

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

From: Levine, Carolyn

Sent: Tuesday, August 08, 2017 4:04 PM

To: Beckmann, Ronna Erin <beckmann.ronna@epa.gov>

Subject: FW: S.H. Bell documentation (part 1)

Ronna,

Let me know your thoughts on responding to these Qs from House E&C—can the region address or should I work with OECA?

Thanks,

Carolyn

Carolyn Levine

Office of Congressional and

Intergovernmental Relations

U.S. EPA

(202) 564-1859

levine.carolyn@epa.gov

From: Rodrick, Christian

Sent: Tuesday, August 08, 2017 4:21 PM

To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Haman, Patricia
<Haman.Patricia@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>

Cc: Ringel, Aaron <ringel.aaron@epa.gov>

Subject: Fwd: S.H. Bell documentation (part 1)

Sven, Carolyn and Pat,

Below, Sam from Tim Murphy's office reached out to Aaron and myself regarding manganese enforcement and SH Bell. I was wondering if there was any information you all may be able to give Aaron and myself on this? Please forgive my vagueness on this issue.

Thanks,

Christian

Sent from my iPhone

Begin forwarded message:

From: "Spector, Samuel" <Samuel.Spector@mail.house.gov>

Date: August 8, 2017 at 3:23:08 PM EDT

To: "rodrick.christian@epa.gov" <rodrick.christian@epa.gov>

Subject: FW: S.H. Bell documentation (part 1)

Christian -

Seeing that Aaron is out until Monday, I was hoping you could start to review my question, below, in his absence. This relates to a longstanding conversation I've been having with Aaron on manganese regulation.

Thanks,

Sam

Samuel J. Spector
Senior Legislative Counsel
Congressman Tim Murphy (PA-18)
Policy Coordinator, Committee on Energy and Commerce (Majority Staff)
2332 Rayburn House Office Building
Washington, DC 20515
(202) 225-2301

-----Original Message-----

From: Spector, Samuel
Sent: Tuesday, August 08, 2017 3:20 PM
To: 'Ringel, Aaron'
Subject: RE: S.H. Bell documentation (part 1)

Hey Aaron -

I'm reviewing the August 7, 2017 press release from EPA Region 05 (attached) where EPA cites S.H. Bell for manganese air pollution in Chicago. I'm told that the manganese minimum risk level (MRL) for chronic inhalation exposure is 0.3 micrograms/m³, but that that level was never intended as an enforceable level w/o first going through a rulemaking process, let alone on the basis of only 4 months of data. I'm trying to understand both sides on this matter.

I was hoping you could point me in the right direction on this.

Thanks,

Sam

Samuel J. Spector

Senior Legislative Counsel
Congressman Tim Murphy (PA-18)
Policy Coordinator, Committee on Energy and Commerce (Majority Staff)
2332 Rayburn House Office Building
Washington, DC 20515
(202) 225-2301

-----Original Message-----

From: Ringel, Aaron [<mailto:ringel.aaron@epa.gov>]
Sent: Wednesday, June 28, 2017 8:47 AM
To: Spector, Samuel
Cc: Schell, Christopher
Subject: Re: S.H. Bell documentation (part 1)

Thanks Sam, I have received this. Will treat economic impact info as business confidential.

Sent from my iPhone

On Jun 28, 2017, at 7:46 AM, Spector, Samuel
<Samuel.Spector@mail.house.gov> wrote:

Aaron - pls confirm you've received this, when you get a chance. I have some economic impact figures for SH Bell to share, but first I wanted to confirm that those could be treated as confidential business info by the agency. Thanks, Sam

Sent from my iPhone

On Jun 26, 2017, at 5:32 PM, Spector, Samuel
<Samuel.Spector@mail.house.gov> wrote:

Aaron,

As promised, please see attached for additional documentation related to the case of S.H. Bell. These include an ATSDR letter and critique by Gradient.

While the ATSDR letter was dated December 6, 2017, Ohio EPA apparently did not receive the letter until early February, which is after the CD was signed. Gradient's sharp critique of the letter was also sent after the CD was signed. We have also attached an abridged manganese science memorandum, prepared by counsel to S.H. Bell, Eckert Seamans.

I am also told that S.H. Bell waives confidentiality of the CD so that it can be discussed between the Congressman and EPA. I figure you'll need to confirm this yourself, but I wanted to be responsive to this issue you raised over the phone when we spoke.

S.H. Bell, in the very near term, should be sending us some information, including economic impacts (containing Confidential Business Information) and other updated results from Ohio EPA. I will share it with you as soon as I have it.

Thanks again,

Sam

[cid:image001.png@01D07955.81FF07E0]

Samuel J. Spector
Senior Legislative Counsel
Congressman Tim Murphy (PA-18)
2332 Rayburn House Office Building
Washington, DC 20515
(202) 225-2301

From: Spector, Samuel
Sent: Thursday, June 22, 2017 5:43 PM
To: Ringel, Aaron (ringel.aaron@epa.gov)
Cc: Schell, Christopher
Subject: S.H. Bell documentation (part 1)

Aaron,

Thanks again for helping to set up this call. I'm glad that we were finally able to find a time that worked for everyone. I heard that you called since then, and I tried to call you back, but this email should suffice for now in moving this discussion forward.

See attached for several documents directly referenced and/or alluded to on

our phone call.

1. March 29, 2017 letter from S.H. Bell to Congressman Murphy briefly setting out its concerns over U.S. EPA's handling of the case.
2. Attachment A: November 10, 2016 letter from Ohio EPA to Michelle Colledge, ATSDR, questioning the science behind the technical public health assistance requested of it by U.S. EPA (responding to Attachment B)
3. Attachment B: September 22, 2016 letter from Michelle Colledge, ATSDR, to Ed Nam, Acting Director, Air and Radiation Division, U.S. EPA providing technical public health assistance.
4. Attachment C: March 29, 2017 Submission to Department of Justice of the Manganese Interest Group (MIG) regarding United States' Memorandum in Support of Motion for Entry of Consent Decree.

I expect to have more material to share tomorrow and in the coming week.

This will include specific concerns on the manganese science at issue in this case, including data that has only recently become available. I also expect to share some information on the economic impacts faced by S.H. Bell – which may contain business confidential information, which we would ask that you handle accordingly.

Thanks again, and we'll be in touch,

Sam

[cid:image001.png@01D07955.81FF07E0]

Samuel J. Spector

Senior Legislative Counsel

Congressman Tim Murphy (PA-18)

2332 Rayburn House Office Building

Washington, DC 20515

(202) 225-2301

<ATSDR Letter_032917.pdf>

<ATSDR Letter to Ohio EPA Director FINAL signed.pdf>

<UNDERSTANDING

HOW TO ASSESS POTENTIAL HEALTH RISKS FROM INHALING
AIRBORN....pdf>

<image001.png>

<image001.png>